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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 BOARD OF TRUSTEES, etc., et al,

16 Plaintiffs,

17 vs.

18 KURT ALBIN ERNST etc.,

19 Defendant.
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C 008 – 0355 PJH

**STIPULATION FOR ORDER AND
ORDER VACATING DEFAULT AND
ALLOWING DEFENDANT LEAVE TO
FILE ANSWER TO COMPLAINT**

27 The parties hereto, through their respective attorneys of record herein, do hereby
28 stipulate as follows:

- 29 1. Plaintiffs filed the complaint in the within action on January 18, 2008.
- 30 2. The case was originally assigned to Magistrate Judge Bernard Zimmerman
31 and was subsequently reassigned to United States District Court Judge Phyllis J.
32 Hamilton following Plaintiffs' Declination to Proceed Before A Magistrate Judge and
33 Request for Reassignment to a United States District Judge.

1 3. Upon application by Plaintiffs, the Clerk of the Court entered default against
2 Defendant on April 30, 2008. No default judgment has been entered.

3 4. Plaintiffs and Defendant have decided that in the interests of justice,
4 Defendant is permitted to answer the complaint so that the parties can attempt to resolve
5 the dispute on its merits.

6 5. Accordingly, the parties stipulate that the default previously entered by the
7 Clerk of the Court on April 30, 2008 should be vacated and that Defendant shall file an
8 answer to the complaint within 10 days of the entry of order of such vacating of the
9 default.
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11 Dated: June 26, 2008

12 BULLIVANT HOUSER BAILEY PC

13
14 By /s/ Ronald L. Richman
15 Ronald L. Richman
16 Attorneys for Plaintiffs

17 LAW OFFICES OF KENNETH D. ROBIN

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19 By /s/ Kenneth D. Robin
20 Kenneth D. Robin
21 Attorney for Defendant
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ORDER

GOOD CAUSE APPEARING THEREFOR, and the parties having stipulated thereto, it is hereby ordered that the default entered herein on April 30, 2008 is hereby vacated. It is further Ordered that Defendant shall file its answer to the complaint filed herein on January 18, 2008 within 10 days of the entry of this Order.

Dated: _____, 2008

Phyllis J. Hamilton
United States District Judge